



05-19-06

Attorney Docket No.: LDR/10/US  
AK Matter No.: 159656

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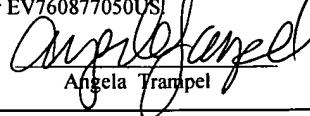
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Title: Intervertebral Disk Prosthesis

Application No.: 10/533,846

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Angela Trampel

Filing Date: 11/11/05

Inventor: Jacques Beaupain, et al.

Assignee: LDR Medical

Examiner: Alvin J. Stewart

Art Unit: 3738

**INFORMATION DISCLOSURE STATEMENT**

Mail Stop - Amendment  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Pursuant to the guidelines for Information Disclosure Statements, 37 C.F.R. §§ 1.97-1.98, attached hereto are Forms PTO/SB/08A and PTO/SB/08B (19 sheets) with references listed for consideration by the Office.

Pursuant to Official Gazette Notice No. 14, dated August 5, 2003, copies of the listed written U.S. references are not enclosed. However, in accordance with 37 C.F.R. § 1.98(a)(2), copies of the listed written foreign references and publications are being provided.

In accordance with 37 C.F.R. §§ 1.97(g)-(h), the filing of this Information Disclosure Statement shall not be construed as a representation that a search has been made or an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b) or prior art under 35 U.S.C. §§ 102 or 103.

The examiner should also be aware of the following co-pending applications:

App. Ser. No. 10/276,712 filed 03/26/2003;  
App. Ser. No. 10/473,999 filed 04/12/2004;  
App. Ser. No. 10/483,563 filed 05/21/2004;  
App. Ser. No. 10/476,565 filed 06/08/2004;  
App. Ser. No. 10/492,827 filed 07/15/2004;  
App. Ser. No. 10/492,753 filed 08/09/2004;  
App. Ser. No. 10/498,234 filed 12/07/2004;  
App. Ser. No. 11/051,710 filed 02/04/2005;  
App. Ser. No. 11/098,266 filed 04/04/2005;  
App. Ser. No. 11/109,276 filed 04/18/2005;  
App. Ser. No. 11/180,868 filed 07/13/2005;  
App. Ser. No. 10/533,846 filed 11/11/2005;  
App. Ser. No. 11/341,007 filed 01/27/2006;  
App. Ser. No. 11/362,253 filed 02/24/2006;  
App. Ser. No. 10/570,080 filed 02/28/2006;  
App. Ser. No. 11/378,165 filed 03/17/2006;  
App. Ser. No. 11/390,711 filed 03/27/2006;  
App. Ser. No. 10/575,065 filed 04/07/2006; and  
App. Ser. No. 10/494,418 filed 07/22/2004.

Commonly owned App. Ser. No. 10/060,862 filed 01/30/2002 issued as U.S. Pat. No. 7,037,340 on 05/02/2006.

The Examiner's attention is directed to the following documents being submitted, and to the references cited therein (which are also submitted herewith):

1. FR 2 846 550 Preliminary Search Report, National Institute of Industrial Property (France), July 10, 2003

2. PCT/IB03/04872 International Search Report, EPO, March 3, 2004
3. PCT/IB03/04872 International Preliminary Examination Report, EPO, March 01, 2005
4. FR 2 824 261 Preliminary Search Report, National Institute of Industrial Property (France), February 25, 2002
5. PCT/IB02/02998 International Search Report, EPO, September 16, 2003
6. PCT/IB02/02998 International Preliminary Examination Report, EPO, December 22, 2003
7. FR 2 865 629 Preliminary Search Report, National Institute of Industrial Property (France), September 14, 2004
8. PCT/IB05/00280 International Search Report, EPO, June 24, 2005
9. FR 2 869 528 Preliminary Search Report, National Institute of Industrial Property (France), December 13, 2004
10. PCT/IB05/01151 International Search Report, EPO, September 12, 2005
11. FR 2 831 796 Preliminary Search Report, National Institute of Industrial Property (France), August 2, 2002
12. PCT/IB02/04642 International Search Report, EPO, July 02, 2003
13. PCT/IB02/04642 International Preliminary Examination Report, EPO, April 1, 2004
14. FR 2 865 630 Preliminary Search Report, National Institute of Industrial Property (France), January 12, 2005

The foregoing items 1-3 are search and examination reports relating to this application, and the foregoing items 4-13 are search and examination reports relating to copending applications 10/476,565, 11/051,710, 11/098,266, and 10/494,418. Foregoing item 14 is a search report relating to commonly owned French App. No. FR0405899, filed 06/02/2004.

This Information Disclosure Statement is being filed before receipt of the first Office Action on the merits, so no fee is believed to be due. The Commissioner is hereby authorized to charge any other fees which may be required in connection with the filing, or to credit any

overpayment to Deposit Account No. 50-3534, upon which account the undersigned has the authority to sign. **Duplicate copies of Forms PTO/SB/08A and PTO/SB/08B are enclosed.**

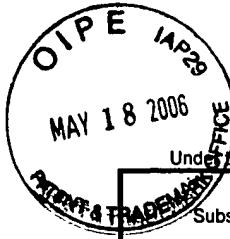
Respectfully submitted,

ANDREWS KURTH LLP

May 18, 2006  
Date

By: 

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## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet 1 of 9

### Complete if Known

Application Number	10/533,846
Filing Date	11/11/05
First Named Inventor	Jacques Beaurain, et al.
Art Unit	3738
Examiner Name	Alvin J. Stewart
Attorney Docket Number	LDR/10/US / AK 159656

### U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Document Number Number-Kind Code <sup>2</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		US-6,368,350	04/09/2002	Erickson, et al.	
		US-5,507,816	04/16/1996	Bullivant	
		US-6,994,727	02/07/2006	Khandkar, et al.	
		US-6,506,216 B1	01/14/2003	McCue, et al.	
		US-6,344,057 B1	02/05/2002	Rabbe, et al.	
		US-6,319,257 B1	11/20/2001	Carignan, et al.	
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		US-5,358,526	10/25/1994	Tornier	
		US-5,314,477	05/24/1994	Marney	
		US-5,197,986	03/30/1993	Mikhail	
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		US-2006/0041314	02/23/2006	Millard	
		US-2005/0085917	04/21/2005	Marney, et al.	
		US-2004/0117022	06/17/2004	Marney, et al.	

### FOREIGN PATENT DOCUMENTS

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Sheet

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of

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## Complete if Known

Application Number	10/533,846
Filing Date	11/11/05
First Named Inventor	Jacques Beaureain, et al.
Art Unit	3738
Examiner Name	Alvin J. Stewart
Attorney Docket Number	LDR/10/US / AK 159656

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		US-2004/0073311 A1	04/15/2004	Ferree	
		US-2004/0010316	01/15/2004	William, et al.	
		US-2004/0002761 A1	01/01/2004	Rogers, et al.	
		US-2003/0220691 A1	11/27/2003	Songer, et al.	
		US-6,800,093	10/05/2004	Nicholson, et al.	
		US-6,793,678	09/21/2004	Hawkins	
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		US-6,767,367	07/27/2004	Michelson	
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		US-6,749,635	06/15/2004	Bryan	
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		US-6,733,535	05/11/2004	Michelson	
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		US-6,726,720	04/27/2004	Ross, et al.	

## FOREIGN PATENT DOCUMENTS

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Sheet

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Substitute for form 1449/PTO		Application Number	10/533,846
INFORMATION DISCLOSURE STATEMENT BY APPLICANT		Filing Date	11/11/05
(Use as many sheets as necessary)		First Named Inventor	Jacques Beaureain, et al.
		Art Unit	3738
		Examiner Name	Alvin J. Stewart
Sheet	3	Attorney Docket Number	LDR/10/US / AK 159656

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		Number-Kind Code <sup>2</sup> (if known)			
		US-6,723,127	04/20/2004	Ralph, et al.	
		US-6,719,794	04/13/2004	Gerber, et al.	
		US-6,709,439	03/23/2004	Rogers, et al.	
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		US-6,610,092	08/26/2003	Ralph, et al.	

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Sheet 4 of 9

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		US-6,610,089 B1	08/26/2003	Liu, et al.	
		US-6,607,558	08/19/2003	Kuras	
		US-6,599,320	07/29/2003	Kuslich, et al.	
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		US-6,579,291 B1	06/17/2003	Keith, et al.	
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		US-6,517,580	02/11/2003	Ramadan, et al.	
		US-6,514,260	02/04/2003	Zdeblick, et al.	
		US-6,482,234	11/19/2002	Weber, et al.	
		US-6,478,823 B1	11/12/2002	Michelson	
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		US-6,447,547 B1	09/10/2002	Michelson	
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		US-6,440,168	08/27/2002	Cauthen	
		US-6,423,095 B1	07/23/2002	Van Hoeck, et al.	

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		US-6,419,704	07/16/2002	Ferree	
		US-6,416,551	07/09/2002	Keller	
		US-6,409,765 B1	06/25/2002	Bianchi, et al.	
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		US-6,258,094 B1	07/10/2001	Nicholson, et al.	
		US-6,245,072 B1	06/12/2001	Zdeblick, et al.	

<b>FOREIGN PATENT DOCUMENTS</b>					
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)			

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Substitute for form 1449/PTO				<b>Complete if Known</b>	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> <i>(Use as many sheets as necessary)</i>				Application Number	10/533,846
Sheet	6	of	9	Filing Date	11/11/05
				First Named Inventor	Jacques Beaupain, et al.
				Art Unit	3738
				Examiner Name	Alvin J. Stewart
				Attorney Docket Number	LDR/10/US / AK 159656

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		US-6,231,609	05/15/2001	Mehdizadeh	
		US-6,228,118	05/08/2001	Gordon	
		US-6,224,595 B1	05/01/2001	Michelson	
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		US-6,206,922 B1	03/27/2001	Zdeblick, et al.	
		US-6,193,757 B1	02/27/2001	Foley, et al.	
		US-6,179,874	01/30/2001	Cauthen	
		US-6,156,067	12/05/2000	Bryan, et al.	
		US-6,149,650	11/21/2000	Michelson	
		US-6,146,422	11/14/2000	Lawson	
		US-6,136,031	10/24/2000	Middleton	
		US-6,113,638	09/05/2000	Williams, et al.	
		US-6,113,637	09/05/2000	Gill, et al.	
		US-6,096,080	08/01/2000	Nicholson, et al.	
		US-6,096,038	08/01/2000	Michelson	
		US-6,093,205	07/25/2000	McLeod, et al.	
		US-6,080,158	06/27/2000	Lin	
		US-6,063,121	05/16/2000	Xavier, et al.	
		US-6,039,763	03/21/2000	Shelokov	
		US-6,033,438	03/07/2000	Bianchi, et al.	
		US-6,001,130	12/14/1999	Bryan, et al.	

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Sheet	7	of	9	Filing Date	11/11/05
				First Named Inventor	Jacques Beaureain, et al.
				Art Unit	3738
				Examiner Name	Alvin J. Stewart
				Attorney Docket Number	LDR/10/US / AK 159656

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		US-5,984,967	11/16/1999	Zdeblick, et al.	
		US-5,899,941	05/04/1999	Nishijima	
		US-5,895,428	04/20/1999	Berry	
		US-5,888,224	03/30/1999	Beckers, et al.	
		US-5,827,328	10/27/1998	Buttermann	
		US-5,797,909	08/25/1998	Michelson	
		US-5,782,919	07/21/1998	Zdeblick, et al.	
		US-5,782,832	07/21/1998	Larsen, et al.	
		US-5,776,199	07/07/1993	Michelson	
		US-5,772,661	06/30/1998	Michelson	
		US-5,766,252	06/16/1998	Henry, et al.	
		US-5,741,253	04/21/1998	Michelson	
		US-5,722,977	03/03/1998	Wilhelmy	
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		US-5,676,702	10/14/1997	Ratron	
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		US-5,645,596	07/08/1997	Kim	
		US-5,609,636	03/11/1997	Kohrs, et al.	
		US-5,562,738	10/08/1996	Boyd, et al.	

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				Filing Date	11/11/05
				First Named Inventor	Jacques Beaureain, et al.
				Art Unit	3738 .
				Examiner Name	Alvin J. Stewart
Sheet	8	of	9	Attorney Docket Number	LDR/10/US / AK 159656

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Number-Kind Code <sup>2</sup> (if known)					
		US-5,534,029	07/09/1996	Shima	
		US-5,425,773	06/20/1995	Boyd, et al.	
		US-5,397,364	03/14/1995	Kozak, et al.	
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		US-5,002,576	03/26/1991	Fuhrmann, et al.	
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		US-4,911,718	03/27/1990	Lee, et al.	
		US-4,759,769	07/26/1988	Hedman, et al.	
		US-4,714,469	12/22/1987	Kenna	
		US-4,349,921	09/21/1982	Kuntz	
		US-4,309,777	01/12/1992	Patil	
		US-4,085,466	04/25/1978	Goodfellow, et al.	
		US-3,958,278	05/25/1976	Lee, et al.	

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				First Named Inventor	Jacques Beaурain, et al.
				Art Unit	3738
				Examiner Name	Alvin J. Stewart
				Attorney Docket Number	LDR/10/US / AK 159656
Sheet	9	of	9		

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Sheet 1 of 7

Complete if Known	
Application Number	10/533,846
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First Named Inventor	Jacques Beaurain, et al.
Art Unit	3738
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		Country Code <sup>3</sup> –Number <sup>4</sup> –Kind Code <sup>5</sup> (if known)				
		FR2865630A1	08/05/2005	France		
		WO03075804A	09/18/2003	PCT		
		DE20310433U	09/18/2003	Germany	See ISR on WO5104996	
		DE20310432U	09/04/2003	Germany	See ISR on WO5104996	
		WO03059212A	07/24/2003	PCT		
		WO02089701A2	11/14/2002	PCT		
		WO0119295A	03/22/2001	PCT		

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Sheet 2 of

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Application Number	10/533,846
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		WO0101893A	01/11/2001	PCT		
		WO0074606A	12/14/2000	PCT		
		WO0053127A	09/14/2000	PCT		
		FR2787021A	06/16/2000	France		
		WO9956675A	11/11/1999	PCT		
		EP0955021A	11/10/1999	EPO		
		FR2737656A	02/14/1997	France		

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<p>Sheet <b>3</b> of <b>7</b></p>				<p>Application Number <b>10/533,846</b></p> <p>Filing Date <b>11/11/05</b></p> <p>First Named Inventor <b>Jacques Beaurain, et al.</b></p> <p>Art Unit <b>3738</b></p> <p>Examiner Name <b>Alvin J. Stewart</b></p>	<p>Attorney Docket Number <b>LDR/10/US / AK 159656</b></p>

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		EP0566810B1	05/22/1996	EPO		
		FR2724108A	03/08/1996	France		
		FR2718635A1	03/01/1996	France		
		EP0560141A	09/15/1993	EPO		
		FR2659226A	09/13/1991	France		
		EP0333990A	09/27/1989	EPO		

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				Application Number	10/533,846
				Filing Date	11/11/05
				First Named Inventor	Jacques Beaupain, et al.
				Art Unit	3738
				Examiner Name	Alvin J. Stewart
Sheet	4	of	7	Attorney Docket Number	LDR/10/US / AK 159656

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> –Number <sup>4</sup> –Kind Code <sup>5</sup> (if known)				
		DE3023353A	04/09/1981	Germany		
		FR2124815A	09/22/1972	France		
		WO05104996	11/10/2005	PCT		
		FR2869528	11/04/2005	France		
		WO05074839	08/18/2005	PCT		
		FR2865629	08/05/2005	France		
		WO04041129A1	05/21/2004	PCT		

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		FR2846550	05/07/2004	France		
		WO03039400A2	05/15/2003	PCT		
		FR2831796	05/09/2003	France		
		FR2824261	11/08/2002	France		
		WO9909914	03/04/1999	PCT		
		EP0747025A1	12/11/1996	EPO		
		FR2723841	03/01/1996	France		✓

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		WO9404100	03/03/1994	PCT		
		EP0566810A1	10/27/1993	EPO		
		WO9301771A	02/04/1993	PCT		
		EP0512529A	11/11/1992	EPO		
		WO9113598A	09/19/1991	PCT		
		DE8912648U	11/22/1990	Germany		
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		LDR/10/US / AK 159656				
		Sheet	7	of	7	

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		EP0356112	02/28/1990	EPO		
		FR2632516A	12/15/1989	France		
		EP0317972A	05/31/1989	EPO		
		EP0298235A	01/11/1989	EPO		
		DE2263842A	07/04/1974	Germany		

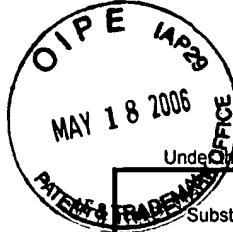
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Sheet

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		A biological basis for instantaneous centres of rotation of the vertebral column, N. Bouduk, B. Amevo, M. Pearcy, Proc Institution Mechanical Engineers, June 16, 1995, pp 177-183	
		A Multicenter Retrospective Study of the Clinical Results of the LINK SB Charite Intervertebral Prosthesis, S. L. Griffith, PhD, A. P. Shelokov, MD, K. Buttner-Janz, MD, Jean-Phillipe LeMaire, MD and W. S. Zeegers, MD, Spine, Vol. 19, Number 16, pp 1842-1849, March 21, 1994	
		A New Technique for the Three-Dimensional Study of the Spine in Vitro and In Vivo by Using a Motion-Analysis System, X. Liu, G. Fabry, K. Labey, L. Van Den Berghe, R. Van Audekercke, G. Molenaers, P. Moens, Journal of Spinal Disorders, Vol. 10, No. 4, pp. 329-338, January 30, 1997	
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		FR 2 718 635 Preliminary Search Report, National Institute of Industrial Property (France), January 16, 1995	
		FR 2 730 159 Preliminary Search Report, National Institute of Industrial Property (France), September 29, 1995	
		FR 2 824 261 Preliminary Search Report, National Institute of Industrial Property (France), February 25, 2002	

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		FR 2 831 796 Preliminary Search Report, National Institute of Industrial Property (France), August 2, 2002	
		FR 2 846 550 Preliminary Search Report, National Institute of Industrial Property (France), July 10, 2003	
		FR 2 865 629 Preliminary Search Report, National Institute of Industrial Property (France), September 14, 2004	
		FR 2 865 630 Preliminary Search Report, National Institute of Industrial Property (France), January 12, 2005	
		FR 2 869 528 Preliminary Search Report, National Institute of Industrial Property (France), December 13, 2004	
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		PCT/IB02/04642 International Search Report, EPO, July 02, 2003	
		PCT/IB05/00280 International Search Report, EPO, June 24, 2005	
		PCT/IB05/01151 International Search Report, EPO, September 12, 2005	
		PCT/IB03/04872 International Search Report, EPO, March 3, 2004	
		PCT/IB02/02998 International Preliminary Examination Report, EPO, December 22, 2003	
		PCT/IB02/04642 International Preliminary Examination Report, EPO, April 1, 2004	
		PCT/IB03/04872 International Preliminary Examination Report, EPO, March 01, 2005	
		Relocation of the Bending Axis During Flexion-Extension of Lumbar Intervertebral Discs and its Implications for Prolapse, J.A. Klein and D.W.L. Hukins, Spine, Vol. 8, Number 6, pp 659-664, November 18, 1982	
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